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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. CR 05-00668 MMC
	)	
Plaintiff,	)	ORDER AND STIPULATION: TO RESET
	)	BRIEFING SCHEDULE; TO CONTINUE
v.	)	THE FILING OF MOTION RESPONSES;
	)	TO CONTINUE HEARING ON MOTION
RODNEY SHAVERS,	)	AND TO EXCLUDE TIME FROM THE
	)	SPEEDY TRIAL ACT CALCULATIONS
Defendant.	)	(18 U.S.C. § 3161(h)(8)(A))

With the agreement of the parties, and with the consent of the defendant, the Court enters this order resetting the briefing schedule and hearing date as detailed below and documenting the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, from November 11, 2006 to January 31, 2007. The parties agree, and the Court finds and holds, as follows:

1. A motion for the disclosure of the identities of confidential informants is pending in the above-captioned matter.

2. The Court, with the concurrence of the parties, has set a briefing schedule which requires the filing of defendant's motion by November 29, 2006, the government's response by December 13, 2006 and defendant's reply by December 27, 2006. The matter is to be heard on January 10, 2006.

3. The parties have entered into plea negotiations which may moot the pending motion.

1 Accordingly, the parties wish to defer further litigation on the issue.

2 4. The parties seek to continue the filing deadlines and the hearing date to the following:

3 A. The government's response to defendant's Motion will be due on January 3, 2007;

4 B. The defendant's reply will be due on January 17, 2007;

5 C. Hearing on this matter will be on January 31, 2007.

6 5. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. §  
7 3161(h)(8)(B)(iv) to provide continuity of counsel and reasonable time necessary for effective  
8 preparation, taking into account the exercise of due diligence.

9 6. Counsel for the defense has specifically considered the need for additional time to  
10 continue plea negotiations.

11 7. Given these circumstances, the Court finds that the ends of justice served by excluding the  
12 period from November 11, 2006 to January 31, 2007 outweigh the best interest of the public and  
13 the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(8)(A).

14 8. Accordingly, and with the consent of the defendant, the Court (1) resets the briefing  
15 schedule to require the filing of the government's response by January 3, 2007 and defendant's  
16 reply by January 17, 2007 and sets a hearing on the matter on January 31, 2007 and (2) orders  
17 that the period from November 11, 2006 to January 31, 2007 be excluded from Speedy Trial Act  
18 calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

19 IT IS SO STIPULATED:

20  
21 DATED: 12/13/06

\_\_\_\_\_  
/S/  
ANTHONY J. BRASS  
Attorney for Defendant

22  
23 DATED: 12/13/06

\_\_\_\_\_  
/S/  
BLAKE D. STAMM  
Assistant United States Attorney

24  
25 IT IS SO ORDERED.

26  
27 DATED: December 15, 2006

  
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HON. MAXINE M. CHESNEY  
United States District Court Judge